



OFFICE OF RAIL AND ROAD

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Julie Dale
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Lanita Masi
Track Access & Network Change Manager
East Midlands Trains Limited
Prospect House, Prospect Place
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Dear Julie and Lanita

Fifth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and East Midlands Trains Limited (EMT)

1. We have today approved the above supplemental agreement submitted to us formally on 18 April 2017.
2. This agreement amends Table 2.1 of Schedule 5 in the parties' track access contract to extend a number of existing Corby to Kettering services through to London, calling at Intermediate stations and to remove the intermediate calls from adjacent longer-distance services. The proposed services aim to ease overcrowding during the early and mid-afternoon and improve journey times on selected services between Sheffield/Derby and London.
3. Network Rail undertook a 28 day industry consultation ending on 7 March 2017. Govia Thameslink Railway Limited (GTR) responded raising some queries on the impact the proposal may have on their current operations to and from Bedford and whether the additional rights would fit with their plans around the Thameslink Programme. The parties provided their response and GTR were able to confirm that they supported the application. The parties also received a response from Transport Focus offering no objections.

4. Our own review identified no issues and we are satisfied that approval is in accordance with our statutory duties under section 4 of the Railways Act 1993. We did identify some minor drafting issues with the agreement and put this to the parties. They have accepted our suggestions and amended the agreement accordingly for the formal submission.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, in particular those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

6. Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. ORR's copy should be sent for my attention.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Albon', with a horizontal line underneath.

Michael Albon